

REQUEST FOR RECONSIDERATION

In response to the Office Action mailed on December 8, 2005 (the "Office Action"), Assignee respectfully requests reconsideration based on the following remarks. Assignee respectfully submits that all pending claims (1-36) are in condition for allowance.

The United States Patent and Trademark Office (the "Office") rejected claims 1, 2, 6-10, and 15-20 under 35 U.S.C. § 102(b) as being anticipated by *Ginsberg* (U.S. Patent No. 6,064,730) and rejected claims 3-4, 11-13, and 21-36 under 35 U.S.C. § 103(a) as being unpatentable over *Ginsberg* in view of *Greenberg* (U.S. Patent No. 6,791,974). The Assignee shows, however, that the pending claims (claims 1-36) are not fully disclosed in the cited references nor are the pending claims anticipated, nor obviated, by the cited references. Thus, the Assignee respectfully submits that the pending claims are ready for allowance and requests reconsideration pursuant to 37 CFR §1.116. *See also*, MPEP §§ 714.12 and 714.13.

§102 Rejection:

The Office rejected claims 1, 2, 6-10, and 15-20 under 35 U.S.C. § 102(b) as being anticipated by *Ginsberg*. A claim is anticipated only if each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter "M.P.E.P."). As the Assignee shows, however, the reference to *Ginsberg* fails to include every element of the pending claims. The reference to *Ginsberg*, then, does not anticipate this invention, and Assignee respectfully requests that the Office remove the 35 U.S.C. § 102(a) rejection and allow claims 1, 2, 6-10, and 15-20.

Ginsberg does not anticipate the claimed subject matter. Independent claim 1 discloses a system for viewing contents of a source computer via a display device associated with a telephone line and includes the telephone line in communication with a telephone network and a communications link between the display device and the computer network wherein when a

triggering event associated with the telephone line is detected, contents of the source computer are displayed on the display device during a data session via the communications link. Claim 1 is reproduced below:

[c01] A system for viewing contents of a source computer via a computer network comprising:
a telephone line in communication with a telephone network;
a display device associated with the telephone line; and
a communication link between the display device and the computer network,

wherein when a triggering event associated with the telephone line is detected, contents of the source computer are displayed on the display device during a data session via the communication link.

U.S. Patent Application No. 09/893,910, claim 1 (emphasis added by Assignee).

The US PTO rejected claim 1 asserting:

Regarding claim 1, *Ginsberg* teaches the steps of: a *telephone line (Fig. 1, 16)* in communication with a *telephone network (Fig. 1, PSTN 40)*; a *display device associated with the telephone line (Fig. 1, 14)*; a *communication link between the display and the computer network (Fig. 1, communication link 18 between display 14 and data network 28)*, wherein when a triggering event associated with the telephone line is detected (col. 2, lines 16-21 and col. 4, lines 58-60), *contents of the source computer (merchant server 52) are displayed on the display device (computer 62)* during a data session via the communications link (col. 4, lines 58-67).

Office Action, p. 2 (emphasis added by Assignee).

To assert “when a triggering event associated with the telephone line is detected, contents of the source computer are displayed on the display device during a data session via the communications link” the USPTO relies on the control module of *Ginsberg* (which this control module that is downloaded and accessed **AFTER THE ASSERTED TRIGGERING EVENT** – the “call” via the Internet browser) to determine if “an agent is currently available” and if so, then to “enable the switching element 150 to establish the communications link from *the customer's telephone, or like audio device 150*, with that agent via audio carrier 151.” See, U.S. Patent 6,6064,730, col. 3, line 8 thru col. 4, line 37; see also, Id., FIG. 2 (illustrating the

computer/display device 175, data carrier 176, dynamic graphical, interactive display server 200, control and signaling module 275, audio switch 250, audio carrier 151, customer audio device 150, and call center personal audio device 350). If the USPTO relies on this description, then this system must "clearly show the structure which is claimed." *Jockmus v. Leviton*, 28 F.2d 812 (2d Cir. 1928).

Claimed subject matter – “telephone line in communication with a telecommunications network”

First, the USPTO asserts that the claimed subject matter of the telephone line in communication with a telecommunications network is anticipated by the following passage:

The control module additionally performs control/signaling functions. For example, when a customer decides to put him/herself on a queue, the customer initiates queue entry from the customer's interactive display device and control module 275 sends the appropriate signals to the audio switching element 250 to place the customer on the call center agent's queue. If the agent is currently available, the control and signaling module 275 will enable the switching element 150 to establish a communication link from the customer's telephone, or like audio device 150, with that agent via audio carrier 151. Such a link may be, for example, plain old telephone service lines or Internet based packet communication. Alternatively, the control and signaling module 275 enables communication of text or video information along a data carrier 176, e.g., a modem or Internet based switch, to the agent's interactive display device or computer terminal 375.

U.S. Patent No. 6,064,730, col. 4, line 21 thru col. 5, line 27 (emphasis by Assignee). However, the asserted telephone line 150 in communication with the asserted telecommunications network 151 of *Ginsberg* is established by the control module if the agent is available AFTER the "call" is placed from the web browser of computer/display device 175 via a data carrier 176. That is, the telephone line of *Ginsberg* is *NOT in communication* with a telephone network when the asserted triggering event associated with the telephone line is detected (*i.e.*, the asserted triggering event being the "call" from the computer/display device 175 via data carrier 176 to initiate the communication with the organization's server 200 as illustrated in FIG. 2).

Claimed subject matter – “a display device associated with the telephone line”

Second, the USPTO asserts that the claimed subject matter of the display device associated with the telephone line is anticipated by the following passage:

As shown in FIG. 2, the system consists of adding several new modules to the existing generic call center components described above with respect to FIG. 1. Particularly, as shown in FIG. 2, a "call" placed into the system 100 originates from the customer's interactive display device, e.g., a computer/display device 175. Although not shown, the customer end computer/display system is provided with a widely used Internet browser program, such as, e.g., Netscape Navigator.RTM. (trademark of Netscape Communications Corporation) or Internet Explorer.RTM. (trademark of Microsoft Corp.) through which the user, via a network service provider (not shown), initiates a communication to the desired organization or corporate entity to whom the customer wishes to contact. Once contact is made with the desired organization, the organization's dynamic graphical interactive display server 200 provides the customer with a dynamic, navigable, graphical display of the organization's structure including, but not limited to: visual presentation of call center services, personnel, i.e., agents, and a visual presentation of each agent's queue status. Essentially, the organization's interactive display server 200 downloads software, e.g., in the form of so-called "applet" (not shown), that generate the navigable interactive display at the customer's terminal. Preferably, the applet for generating the display may be programmed in a graphics programming interface language, such as, e.g., Java.RTM. (trademark of Sun Microsystems) running on top of, for example, the Navigator.RTM.. Particularly, the applet generates an abstract visual map of the organization's call center. In the case of a commercial enterprise, for example, an initial map provided for the customer's interactive display device 175 may appear as shown in the non-limiting, illustrative example in FIG. 3, which depicts icons representing call-center areas such as "Product Ordering," shown as icon 55, "Product Support and Customer Service", shown as icon 59, and "Sales", shown as icon 63. A mouse device (not shown) may be utilized by the customer to click on the icon of the call-center area with which he would like to establish contact. For instance, if the customer selected the "Product Ordering" icon 63, applets will generate a new display map at the customer's interactive terminal 175 that presents, for example, a list of products or product categories, and associated agents. The granularity will depend upon the breadth and depth of the organization's business ventures. At some point, after drilling down visualizations of the organization from the interactive navigable graphical display 175, the customer will finally be presented with one or more "virtual rooms" associated with agents that pertain specifically to his/her needs. In a virtual room, the customer will see graphic representations of the call center agents, their associated skills, and some representation of the number of customers waiting on that agent's queue. Alternatively, there might only be one queue per virtual room, and the user

would see a representation of that queue. *The customer may additionally be provided with a room to receive text or visual information representing, e.g., the status of his/her sales order, etc.*

Id., col. 3, lines 8 thru 64 (lines 11-13 cited by the Office; emphasis added by Assignee). However, as described in *Ginsberg* and illustrated in Figure 2, the computer/display device 175 is associated with data carrier 176 (and not with audio carrier 151). Consequently, the display device 175 is NOT associated with the telecommunications line (*i.e.*, audio carrier 151).

Claimed subject matter – “a communication link between the display and computer network”

Third, the Office asserts that FIG. 2 anticipates the communication link between the display and computer network. As described in the above passages, the computer/display device 175 initiates the “call” *via a data carrier 176 when the customer accesses a domain name (or other data communications address of the organization) via a web browser on the computer/display system 175.* Once contact is made with the desired organization, the organization’s dynamic graphical interactive display SERVER 200 provides the customer with a dynamic, navigable, graphical display of the organization’s structure . . . Essentially, the organization’s interactive display server 200 downloads software, *e.g.*, an applet, to generate the navigable, interactive display. See, U.S. Patent No. 6,064,730, col. 3, lines 7-64. Consequently, the alleged communications link is established AFTER the “call” is initiated.

Claimed subject matter – “wherein when a triggering event associated with the telephone line is detected, contents of the source computer are displayed on the display device during a data session via the communications link”

Finally, the Office asserts that the “call” is the triggering event of the telephone line that triggers the display of the contents of the source computer during the data session. As described in the above passages, when the “call” is initiated, a browser of the computer/display device 175 communicates with the organization *via a data carrier 176.* Once contact is made with the desired organization, the organization’s dynamic graphical interactive display SERVER 200 provides the customer with a dynamic, navigable, graphical display of the organization’s structure . . . Essentially, the organization’s interactive display server 200 downloads software, *e.g.*, an applet, to generate the navigable, interactive display. See, U.S. Patent No. 6,064,730, col.

3, lines 7-64. And, the audio communications connection of *Ginsberg* – audio device 150 to an AVAILABLE agent via the audio carrier 151 – is established AFTER the data connection between the computer/display device 175 and data carrier 176. Furthermore, the contents of the source computer are displayed to the computer/display device 175 before the control module 275 enables the switching element 150 to establish a communications link from the customer's telephone, or like audio device 150, with that agent via audio carrier 151.” *Id.*, col., 4, lines 28-31.

Claim 15:

In regards to claim 15, the Office asserts that “*Ginsberg* teaches the triggering event comprises a telephone number of a calling party.” However, the Office does not provide a basis for the rejection nor does *Ginsberg* disclose “a telephone number of a calling party” as a “triggering event” Consequently, the Assignee respectfully submits that the Office has failed to satisfy any burden of proof to maintain this Office Action against claim 15. See, for example, MPEP §§ § 2133 and 706.02(c). The Examiner offers no discussion on claim 15. Consequently, Assignee respectfully submits that if the Office wishes to challenge the patentability of claim 15, then the Office *must* factually support this challenge, and another *non-final* office action is required. Any other action is a violation of due process.

Claim 16:

In regards to claim 16, the Office asserts that “*Ginsberg* teaches the triggering event comprises dial string generated by the equipment (col. 3, lines 55-60). However, the cited passage nor other passages of *Ginsberg* do not disclose or otherwise suggest that “a dial string generated by the equipment.” The cited passage of *Ginsberg* provides:

At some point, after drilling down visualizations of the organization from the interactive navigable graphical display 175, the customer will finally be presented with one or more “virtual rooms” associated with agents that pertain specifically to his/her needs. In a virtual room, the customer will see graphic representations of the call center agents, their associated skills, and some representation of the number of customers waiting on that agent's queue. Alternatively, there might only be one queue per virtual room, and the user would see a representation of that queue.

U.S. Patent No. 6,064,730, col. 3, lines 49 thru line 61. Consequently, the Assignee respectfully submits that the Office has failed to satisfy any burden of proof to maintain this Office Action against claim 16. See, for example, MPEP §§ § 2133 and 706.02(c). Consequently, Assignee respectfully submits that if the Office wishes to challenge the patentability of claim 16, then the Office *must* factually support this challenge, and another *non-final* office action is required.

Claim 17:

In regards to claim 17, the Office asserts that “Ginsberg teaches the telephone line comprises a voice communications connection and a data communications connectin.” However, the cited Figure 2 illustrates TWO SEPARATE connections – reference numeral 151 for the audio carrier and reference numeral 176 for the data carrier. Consequently, the Assignee respectfully submits that the Office has failed to satisfy any burden of proof to maintain this Office Action against claim 17. See, for example, MPEP §§ § 2133 and 706.02(c). Consequently, Assignee respectfully submits that if the Office wishes to challenge the patentability of claim 17, then the Office *must* factually support this challenge, and another *non-final* office action is required.

For these reasons and others, *Ginsberg* does not disclose, teach, and/or otherwise suggest the claimed subject matter of independent claim 1 and of corresponding dependent claims 2 and 6-10. In regards to claims 15-20, these claims depend upon independent claim 11. Independent claim 11 was rejected under 35 U.S.C. 103 (not 102), and Assignee respectfully submits that the Office has failed to satisfy any burden of proof under MPEP §§ § 2133 and 706.02(c) for claims 15-20 for these and other reasons. Consequently, Assignee respectfully submits that if the Office wishes to challenge the patentability of claims 1, 2, 6-10, and 15-20, then the Office *must* factually support this challenge, and another *non-final* office action is required.

§103 Rejections:

The Office rejected claims 3-4, 11-13, and 21-36 under 35 U.S.C. § 103(a) as being unpatentable over *Ginsberg* in view of *Greenberg* (U.S. Patent No. 6,791,974) and rejected claim

14 under 35 U.S.C. § 103(a) as being unpatentable over *Ginsberg*. If the Office wishes to establish a *prima facia* case of obviousness, three criteria must be met: 1) combining prior art requires “some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill”; 2) there must be a reasonable expectation of success; and 3) all the claimed limitations must be taught or suggested by the prior art. DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2143 (orig. 8th Edition) (hereinafter “M.P.E.P.”). As the Assignee shows, however, the combination of *Ginsberg* and/or *Greenberg* again wholly fails to teach, describe, and/or suggest the claimed subject matter. The Assignee, then, respectfully requests allowance of claims 3-4, 11-13, 14, and 21-36. .

In regards to dependent claims 3-4, the USPTO relies on the rejection of independent claim 1. *See, Office Action*, p. 4. In regards to independent claims 11, 21, and 29 and corresponding dependent claims (including claim 14), the USPTO relies on the same reasons as discussed above with respect to claim 1. However, as previously discussed in detail above *Ginsberg* does not disclose (1) the telephone line in communication with the telephone network, (2) the display device associated with the telephone line, (3) the communications link between the display and the computer network, and (4) wherein when the triggering event associated with the telephone line is detected, the contents of the source computer are downloaded. The combination of *Greenberg* with *Ginsberg* does not cure these and other deficiencies. That is, *Greenberg* generally describes a system that enables a customer who accesses a web site on the Internet to initiate a telephone call via a web page user interface. *See, U.S. Patent No. 6,791,974*, col. 1, lines 10-20, and col. 15, line 5 through col. 16, line 30. Consequently, the combination of *Greenberg* and *Ginsberg* fails to even remotely teach, describe, and/or suggest the claimed subject matter.

Furthermore, the Office asserts that it would have been obvious that there are only two triggering events – before or after a voice session is established between a calling party and a called party. *Office Action*, p. 4. However, the claimed subject matter of independent claims 1 and corresponding dependent claims are directed towards “a triggering event associated with the telephone line” and the telephone line is described as “a telephone line in communication with a

telephone network." Consequently, it would not have been obvious that the triggering event is established BEFORE a voice session is established. Consequently, in regards to claims 3 and 4, Assignee further respectfully submits that the Office has failed to satisfy any burden of proof to maintain this Office Action. See, for example, MPEP §§ § 2143 and 706.02(j). Consequently, Assignee respectfully submits that if the Office wishes to challenge the patentability of claims 3 and 4, then the Office *must* factually support this challenge, and another *non-final* office action is required.

For these reasons and others, *Ginsberg* and the combination of *Ginsberg* and *Greenberg* do not disclose, teach, and/or otherwise suggest the claimed subject matter of claims 3-4, 11-13, 14, and 21-36. Assignee respectfully requests the Office to remove these rejections and requests allowance of these claims.

CONCLUSION

In regards to claims 1-36, Assignee respectfully asserts that the USPTO fails to satisfy MPEP §§ 2133 and 2143. The USPTO fails to suggest, identify, and/or otherwise explain that 1) *each and every element is taught by Ginsberg and/or that 2) all the claimed limitations are taught or suggested by Ginsberg and/or Greenberg.. See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). See also MPEP §§ 2133 and 2143. These rejections, then, are improper and must be withdrawn. See also, MPEP § 706.02. Furthermore, maintaining these rejections is a violation of due process. If the Office wishes to factually support this rejection, then another office action is required. This other office action must follow the requirements of MPEP §§ 2133 and 2143. Further, this other office action also cannot maintain the rejection — this other office action may ONLY properly present the reasons for the rejection. Further, once the Office properly follows MPEP §§ 2133 and 2143 and properly supports a rejection, the Assignee must be given another opportunity to rebut the rejection. Any other action is a violation of due process.

In conclusion, all of the rejections have been overcome. Further, the cited art fails to teach, disclose, and/or suggest claims 1-36. Because the cited art fails to teach or suggest the

claimed invention, these claims would not have been anticipated nor would they have been obviated to one of ordinary skill in the art. The Assignee, then, respectfully asks Examiner Nguyen to remove the rejections and to allow the pending claims (1-36).

AUTHORIZATION FOR PAYMENT OF FEES

Assignee respectfully requests an additional one month extension of time fee for the Response to the December 8, 2005 Office Action from January 8, 2006 to April 8, 2006.

Description of Fee	Amount
One Month Extension of Time Fee	\$120.00
Total	\$120.00

The Assignee, therefore, includes a Credit Card Payment Form PTO-2038 for \$120.00. If there are any other fees due in connection with the filing of this response, please charge the fees to the credit card on file. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to the credit card on file.

If the Office has any questions, the Office is invited to contact the undersigned at (757) 253-5729 or bambi@wzpatents.com.

Respectfully submitted,



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